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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Sharon L. Morris, R.N. and Dean E. Morris
DATE: January 6, 1997
SERIAL NO.: 08/286,413 ✓ GROUP ART UNIT: 2111
FILED: August 5, 1994 ✓ EXAMINER: R. Gibson ✓
FOR: "AUTOMATIC SURGICAL SPONGE COUNTER AND BLOOD LOSS
DETERMINATION SYSTEM"
ATTORNEY DOCKET NO.: A94087US (51929/1)

* * * * *

RESPONSE

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

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GROUP 2100

This is a response after appeal.

A Notice of Appeal was filed on November 25, 1996. An appeal brief is due around January 25, 1997.

Enclosed are Declarations of two anesthesiologists, three nurses (one of whom is also an applicant), and the second applicant. Also enclosed is an article from the October 1995 issue of *Nursing* magazine and a letter to the editor of the *Canadian Journal of Anaesthesia* written by the two anesthesiologists who provided a Declaration.

As the Declarations of the medical personnel, the article and the letter to the editor point out, there has heretofore been no simple method or technology for quantifying blood loss and sponges. It is respectfully submitted that these Declarations, the article and the letter to the editor demonstrate a long felt need for the present invention, and thus is evidence of the nonobviousness of

the present invention. Further, the Declaration of the second applicant, Dean Morris, demonstrates that the high prices of the RF tags at the time the invention was made rendered the present invention nonobvious. The present inventors had the foresight to realize that the price of the tags would come down sufficiently to make the present invention economically feasible.

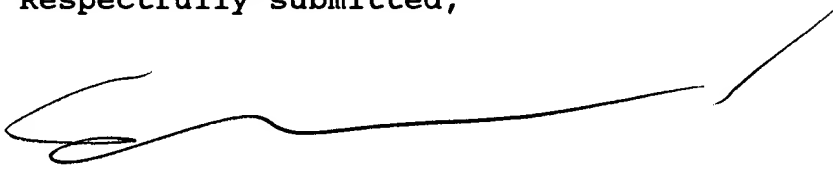
It is respectfully submitted that the enclosed evidence of nonobviousness demonstrates that the present invention as claimed is patentable. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 16-2435.


Respectfully submitted,



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Gregory C. Smith, Reg. No. 29,441
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on January 6, 1997.


Seth M. Nehrbass, Reg. No. 31,281

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Kimball & Krieger**

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January 6, 1997

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HAND DELIVERY

Mr. Randy Gibson, Examiner
United States Department of Commerce
Patent and Trademark Office
Commissioner of Patents and Trademarks
Washington, D.C. 20231

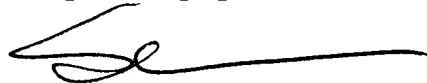
RE: Serial No. 08/286,413
Applicants: SHARON L. MORRIS, R.N., and
DEAN E. MORRIS
Our Reference No.: 51929/1

Dear Mr. Gibson:

Enclosed is a copy of a response which has been
filed in Group 2100 in the above-reference application.

Please contact me if this response does not place
the application in the condition for allowance.

Very truly yours,



Seth M. Nehrbass

SMN/sng
Enclosures

51929001.rg1/sng

Intellectual Property Law,
Including Patent, Trademark,
and Copyright Law,
Unfair Competition, and
Related Matters